

# Management Policies 2006

**NATIONAL  
PARK  
SERVICE**

## Management of National Park Service Programs

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This volume of *Management Policies* focuses exclusively on management of the national park system. Beyond managing the national park system, the National Park Service administers a broad range of programs that serve the conservation and recreation needs of the nation and the world. Examples include the following:

- ◆ National Register of Historic Places
- ◆ National Historic Landmarks Program
- ◆ National Natural Landmarks Program
- ◆ Land and Water Conservation Fund Grants Program
- ◆ Historic American Buildings Survey
- ◆ Historic American Engineering Record
- ◆ Historic American Landscapes Survey
- ◆ American Battlefield Protection Program
- ◆ National Maritime Heritage Grants Program
- ◆ Rivers, Trails and Conservation Assistance Program
- ◆ Tribal Heritage Preservation Grants Program
- ◆ Preserve America Grants Program
- ◆ National Heritage Areas Program

Although these programs operate mainly outside the national parks, they form a vital part of the National Park Service mission. Information about the policies and procedures that govern these programs may be obtained from the appropriate NPS program managers (who are generally located in Washington, D.C.), or by visiting the NPS web site at [www.nps.gov](http://www.nps.gov).



### U.S. Department of the Interior

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The Department of the Interior protects and manages the nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its special responsibilities to American Indians, Alaska Natives, and affiliated Island Communities.



### National Park Service

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The National Park Service preserves unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The National Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.



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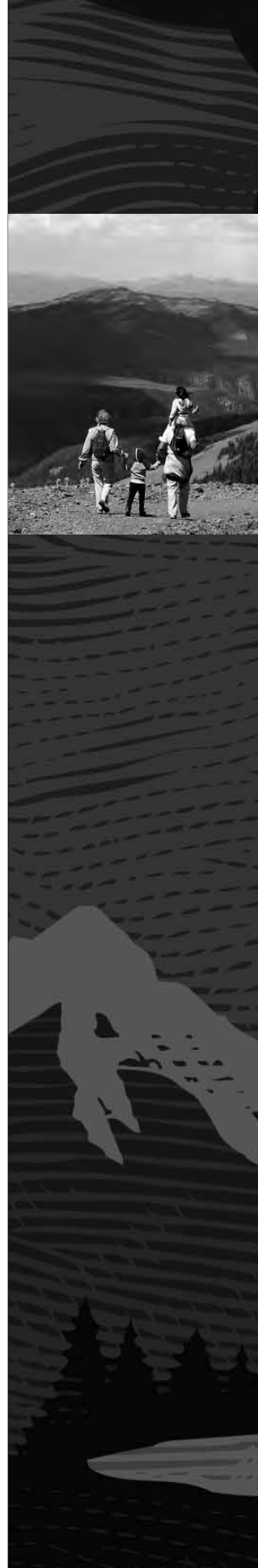
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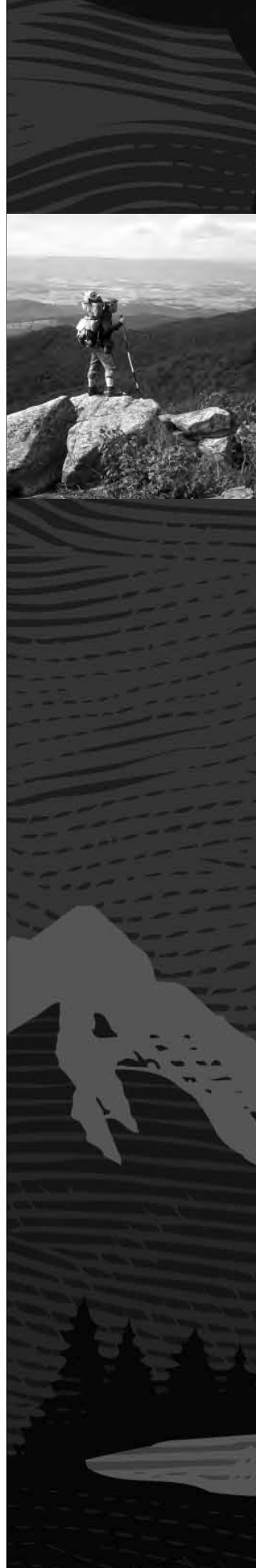
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# Management Policies

## The Guide to Managing the National Park System

*The national park system was created to conserve unimpaired many of the world's most magnificent landscapes, places that enshrine our nation's enduring principles, and places that remind us of the tremendous sacrifices Americans have made on behalf of those principles. They are the most remarkable collection of places in America for recreation and learning. Visitors can immerse themselves in places where events actually happened and enjoy some of the most significant natural and historic places in America. These are places that offer renewal for the body, the spirit and the mind. As required by the 1916 Organic Act, these special places must be managed in a special way—a way that allows them to be enjoyed not just by those who are here today, but also by generations that follow. Enjoyment by present and future generations can be assured only if these special places are passed on to them in an unimpaired condition. And that is the challenge that faces all the employees of the National Park Service. It is a challenge eagerly embraced, but employees must have the tools required to perform the job successfully. The policies contained in these pages represent one of the most important tools available. Through their judicious and consistent application, these policies will set a firm foundation for stewardship that will continue to earn the trust and confidence of the American people.*





### Underlying Principles

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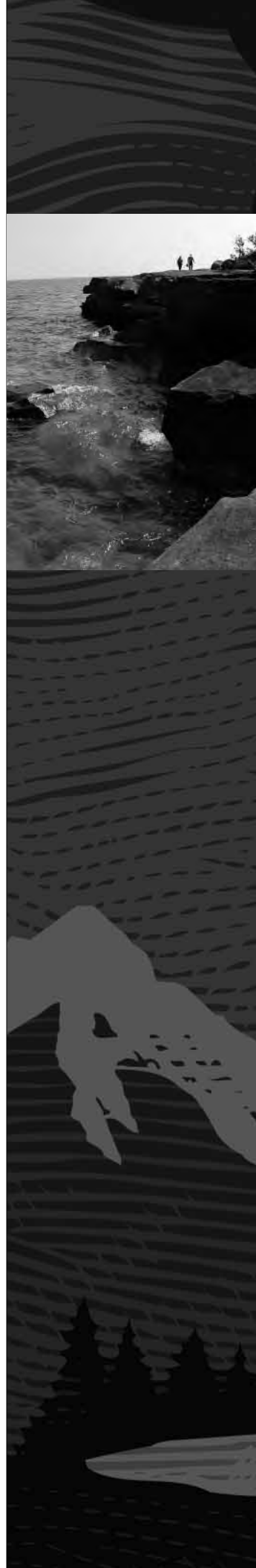
The National Park Service adhered to a number of principles in preparing this 2006 edition of *Management Policies*. The key principles were that the policies must:

- ◆ comply with current laws, regulations and executive orders;
- ◆ prevent impairment of park resources and values;
- ◆ ensure that conservation will be predominant when there is a conflict between the protection of resources and their use;
- ◆ maintain NPS responsibility for making decisions and for exercising key authorities;
- ◆ emphasize consultation and cooperation with local/state/tribal/federal entities;
- ◆ support pursuit of the best contemporary business practices and sustainability;
- ◆ encourage consistency across the system —“one national park system”;
- ◆ reflect NPS goals and a commitment to cooperative conservation and civic engagement;
- ◆ employ a tone that leaves no room for misunderstanding the National Park Service’s commitment to the public’s appropriate use and enjoyment, including education and interpretation, of park resources, while preventing unacceptable impacts;
- ◆ pass on to future generations natural, cultural, and physical resources that meet desired conditions better than they do today, along with improved opportunities for enjoyment.

# Introduction

## Law, Policy, and Other Guidance

*This volume is the basic Service-wide policy document of the National Park Service. Adherence to policy is mandatory unless specifically waived or modified by the Secretary, the Assistant Secretary, or the Director.*





In carrying out their responsibilities under the 1916 National Park Service<sup>1</sup> Organic Act and other pertinent statutes, all NPS officials and employees must be knowledgeable about the laws, regulations, and policies that pertain to their work. The property clause of the U.S. Constitution, which is the supreme law of the United States, gives Congress the authority to develop laws governing the management of the national park system. The property clause specifically directs that “The Congress will have the Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States” (article IV, section 3). Once laws are enacted, authority for interpreting and implementing them is delegated to appropriate levels of government. In carrying out this function, the National Park Service, like other federal agencies, develops policy to interpret the ambiguities of the law and to fill in the details left unaddressed by Congress in the statutes.

### Hierarchy of Authorities

The management of the national park system and NPS programs is guided by the Constitution, public laws, treaties, proclamations, executive orders, regulations, and directives of the Secretary of the Interior and the Assistant Secretary for Fish and Wildlife and Parks. NPS policy must be consistent with these higher authorities and with appropriate delegations of authority. Many of the public laws and other guidance affecting the various facets of NPS administration and management are cited for reference purposes throughout these *Management Policies*. Other laws, regulations, and policies related to the administration of federal programs, although not cited, may also apply. For example, many, but not all, of the legislative requirements of the Alaska National Interest Lands Conservation Act (ANILCA) are cited at different places throughout these *Management Policies*. The additional legislative requirements of ANILCA, although not cited, must also be considered in the interpretation and application of these policies, as must all other applicable legislative requirements. It is especially important that superintendents and other park staff review their park’s enabling legislation to determine whether it contains explicit guidance that would prevail over Service-wide policy.

### Policy Development

Policy sets the framework and provides direction for all management decisions. This direction may be general or specific; it may prescribe the process through which decisions are made, how an action is to be accomplished, or the results to be achieved. Policy initiatives may originate as a sudden, urgent response to an unanticipated problem or issue, or through a slow, evolutionary process as the Park Service gains increased experience or insight regarding a problem or issue. Sometimes the initiative does not originate within the Park Service, but rather with persons or organizations outside the Park Service who have a strong

interest in how the Service manages the parks. However, NPS policy is usually developed through a concerted workgroup and consensus-building team effort involving extensive field review, consultation with NPS senior managers, and review and comment by affected parties and the general public.

All policy must be articulated in writing and must be approved by an NPS official who has been delegated authority to issue the policy. Policy must be published or otherwise made available to the public—particularly those whom it affects—and those who must implement it in the Washington office, regional offices, and parks. Unwritten or informal “policy,” and various understandings of NPS traditional practices, will not be recognized as official policy.

### Compliance, Accountability, and Enforceability

Service-wide policy is articulated by the Director of the National Park Service. NPS employees must follow these policies unless specifically waived or modified in writing by the Secretary, the Assistant Secretary, or the Director. Waivers and modifications will be considered on a case-by-case basis, and previous waivers or modifications will not necessarily be regarded as precedents for future waivers or modifications. A request for a waiver or modification of policy must include a written justification and be submitted to the Director through the Office of Policy, which will coordinate with appropriate program offices.

The policies contained within this document are intended only to improve the internal management of the National Park Service; they are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. Park superintendents will be held accountable for their and their staff’s, adherence to Service-wide policy.

### The Directives System

This volume of NPS *Management Policies* is the basic Service-wide policy document of the National Park Service, superseding the 2001 edition. It is the highest of three levels of guidance documents in the NPS Directives System. The Directives System is designed to provide NPS management and staff with clear and continuously updated information on NPS policy and required and/or recommended actions, as well as any other information that will help them manage parks and programs effectively.

The *Management Policies* will be revised at appropriate intervals to consolidate Service-wide policy decisions, or to respond to new laws and technologies, new understandings of park resources and the factors that affect them, or changes in American society. Interim updates or amendments may be accomplished through director’s orders (the second level of the Directives System), which also serve as a vehicle to clarify or supplement the

<sup>1</sup> The terms “National Park Service,” “Park Service,” “Service,” and “NPS” are used interchangeably in this document.

*Management Policies* to meet the needs of NPS managers. Any previously dated statement of policy not consistent with these *Management Policies*, or with a director's order that updates, amends, or clarifies policy, is to be disregarded.

Under the Directives System, the most detailed and comprehensive guidance on implementing Service-wide policy is found in "level 3" documents, which are usually in the form of handbooks or reference manuals issued by associate directors. These documents provide NPS field employees with compilations of legal references, operating policies, standards, procedures, general information, recommendations, and examples to assist them in carrying out *Management Policies* and director's orders. Level 3 documents may not impose any new Service-wide requirements unless the Director has specifically authorized them to do so, but they may reiterate or compile requirements (for example, laws, regulations, and policies) that have been imposed by higher authorities.

This document is intended to be read in its entirety. While certain chapters or sections provide important guidance by themselves, that guidance must be supplemented by the overriding principles listed below, which provide insight into the reading of this document. In addition there is an interrelationship among the chapters that provides for clarity and continuity for the management of the national park system. Also, the glossary contains important terms that apply throughout the document and should be incorporated into the reading of the document.

Whenever *Management Policies* are revised in the future they should

- ◆ comply with current laws, regulations, and executive orders;
- ◆ prevent impairment of park resources and values;
- ◆ ensure that conservation will be predominant when there is a conflict between the protection of resources and their use;
- ◆ maintain NPS responsibility for making decisions and for exercising key authorities;
- ◆ emphasize consultation and cooperation with local/state/tribal/federal entities;
- ◆ support pursuit of the best contemporary business practices and sustainability;

- ◆ encourage consistency across the system — "one national park system";
- ◆ reflect NPS goals and a commitment to cooperative conservation and civic engagement;
- ◆ employ a tone that leaves no room for misunderstanding the Park Service's commitment to the public's appropriate use and enjoyment, including education and interpretation, of park resources, while preventing unacceptable impacts;
- ◆ pass on to future generations natural, cultural and physical resources that meet desired conditions better than they do today, along with improved opportunities for enjoyment.

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### Other Sources of Guidance

Instructions, guidance, and directives of regional or otherwise-limited application supplementary to and in conformance with Service-wide policies may be issued by regional directors or associate directors within formal delegations of authority. Superintendents may issue, within formal delegations of authority, park-specific instructions, procedures, directives, and other supplementary guidance (such as hours of operation or dates for seasonal openings), provided that the guidance does not conflict with Service-wide policy.

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### NPS Program Policies

This volume addresses only those policies applicable to management of the national park system. It does not address policies applicable to NPS-administered programs that serve the conservation and recreation needs of the nation, but are not directly related to the national park system. Examples include the National Register of Historic Places; the National Historic Landmarks Program; the National Natural Landmarks Program; the Land and Water Conservation Fund Grants Program; the Historic American Buildings Survey; the Historic American Engineering Record; the Historic American Landscapes Survey; the American Battlefield Protection Program; the National Maritime Heritage Grants Program; the Rivers, Trails and Conservation Assistance Program; the Tribal Heritage Preservation Grants Program; the Preserve America Grants Program; and the National Heritage Areas Program.



# Commercial Visitor Services

*Through the use of concession contracts or commercial use authorizations, the National Park Service will provide commercial visitor services that are necessary and appropriate for public use and enjoyment. Concession operations will be consistent to the highest practicable degree with the preservation and conservation of resources and values of the park unit. Concession operations will demonstrate sound environmental management and stewardship.*

Public accommodations, facilities, and services must be consistent to highest practicable degree with the preservation and conservation of park resources and values.



## 10.1 General

Commercial visitor services will be authorized through concession contracts or commercial use authorizations, unless otherwise provided by law. Section 10.2 below addresses concession authorizations; section 10.3 addresses commercial use authorizations.

*(See Leases 8.12. Also see Director's Orders #48A: Concession Management, and #48B: Commercial Use Authorizations)*

### 10.1.1 Leasing

See Section 8.12.

## 10.2 Concessions

### 10.2.1 Concession Policies

Concession operations are subject to the provisions of the National Park Service Concessions Management Improvement Act of 1998; NPS regulations published at 36 CFR Part 51; this chapter of NPS Management Policies; Director's Order #48A: Concession Management; and other specific guidance that may be issued under the Director's authority. In Alaska, concession operations are also subject to the provisions of the Alaska National Interest Lands Conservation Act and 36 CFR Part 13.

### 10.2.2 Commercial Visitor Services Planning

Commercial visitor services planning will identify the appropriate role of commercial operators in helping parks to provide opportunities for visitor use and enjoyment. This planning will be integrated into other plans and planning processes and will comply with all Service policies regarding planning and environmental analysis. The number, location, and sizes of facilities and sites assigned through concession authorizations will be the minimum necessary for proper and satisfactory operation of the facilities.

A park commercial services strategy must be in place to ensure that concession facilities and services are necessary and appropriate, financially viable, and addressed in an approved management plan. Commercial services plans may be developed to further implement a park's commercial services strategy and to guide decisions on whether to authorize or expand concessions. A decision to authorize or expand a park concession will consider the effect on, or need for, additional infrastructure and management of operations and be based on a determination that the facility or service

- ◆ is consistent with enabling legislation, and
- ◆ is complementary to a park's mission and visitor service objectives, and
- ◆ is necessary and appropriate for the public use and enjoyment of the park in which it is located, and
- ◆ is not, and cannot be, provided outside park boundaries, and
- ◆ incorporates sustainable principles and practices in planning, design, siting, construction, and maintenance, and

- ◆ adopts appropriate energy and water conservation, source reduction, and environmental purchasing standards and goals, and
- ◆ will not cause unacceptable impacts.

Prior to initiating new services authorized under a concession contract, a market and financial viability study/analysis will be completed to ensure the overall contract is feasible.

For information about leasing structures for appropriate uses, see section 8.12 and Director's Order #38: Real Property Leasing.

*(See Unacceptable Impacts 1.4.7.1)*

### 10.2.3 Concession Contracting

Approved standard contract language will be used in all NPS concession contracts. Any deviations from such language must be approved in writing by the Director.

#### 10.2.3.1 Terms and Conditions of Contracts

Concession services will be authorized under concession contracts unless otherwise authorized by law. The term of a concession contract will generally be 10 years or less. However, the Director may award a contract for a term of up to 20 years if the Director determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term. In this regard, the term of concession contracts should be as short as is prudent, taking into account the financial requirements of the concession contract, the required construction of capital improvements, resource preservation and conservation, visitor needs, and other factors that the Director may deem appropriate. Proposed concession operations must be economically feasible and supported by a feasibility study prepared by a qualified individual.

#### 10.2.3.2 Modifications/Amendments

Concession contracts may be modified only by written amendment. Amendments developed after the issuance of a concession contract must be consistent with current NPS policies and orders. Unless otherwise authorized by the contract, a concession contract may be amended to provide minor additional visitor services that are a reasonable extension of the existing services.

#### 10.2.3.3 Extension

Concession contracts may be extended only in accordance with the requirements of 36 CFR Part 51, subpart D. The signature authority for contract extensions or amendments must be consistent with delegations of authority from the Director.

#### 10.2.3.4 Competition

To obtain the best service provider and maximize benefits to the government, the National Park Service encourages competition in the awarding of concession contracts. Through outreach, the National Park Service also encourages the participation of American Indian, minority,



and women-owned businesses when new business activities occur.

### 10.2.3.5 Third-party Agreements and Subconcessions

Unless specified in the contract, sub-concession or other third-party agreements (including management agreements) for the provision of visitor services that are required and/or authorized under concession contracts are not permitted. The Park Service may also advertise for a new concession contract to provide these additional services.

### 10.2.3.6 Multipark Contracts

Concessioners operating in more than one park unit must have separate contracts for each park unit. When approved by the Director, an exception may be made in the case of those park units having common NPS management or where service is provided in contiguous park areas (for example, a pack trip that crosses the boundary of two adjoining parks, or where lack of opportunity for profit, geographic location, and type of service is not feasible within a single location).

### 10.2.3.7 Termination

The Service may terminate concession contracts for default and under any other circumstances specified in the concession contract.

## 10.2.4 Concession Operations

### 10.2.4.1 Operating Plans

The operating plan is an exhibit to the concession contract; the plan will describe operational responsibilities authorized in the contract between the concessioner and the Park Service. The plan is reviewed and updated annually by the Service in accordance with the terms of the contract. Operating plans are considered an integral part of a concessioner's contractual performance compliance. Some aspects of a concessioner's operating requirements may also be contained in general or specific provisions unique to that contract.

### 10.2.4.2 Service Type and Quality

It is the objective of the National Park Service that park visitors be provided with high-quality facilities and services. Where appropriate, the concession contract will specify a range of facility, accommodation, and service types that are to be provided at reasonable rates and standards to ensure optimal facility maintenance and quality services to visitors. Concessioners are not permitted to use or encourage pseudo-ownership concepts such as time shares or long-term rental agreements.

### 10.2.4.3 Evaluation of Concession Operations

Concession operations will be regularly evaluated to ensure that park visitors are provided with high-quality services and facilities that are safe and sanitary and meet NPS environmental, health, safety, and operational standards. As outlined in the concessioner operational evaluation program, the evaluation results will provide a basis for NPS management to determine (1) whether to continue or terminate a concession contract, and (2) whether a concessioner is eligible to exercise a right of preference in

the award of a qualified new concession contract for those categories of contracts where such a right is available by law.

### 10.2.4.4 Interpretation by Concessioners

Concessioners will be required to appropriately train their employees and, through their facilities and services, to instill in their guests an appreciation of the park, its purpose and significance, its proper and sustainable management, and the stewardship of its resources. When the provision of interpretive services is required by the contract, concessioners will provide formal interpretive training, approved by the Park Service, for their employees, or will participate in formal interpretive training that is either offered by the Park Service or cosponsored by the concessioner.

Visitor appreciation of the park can be instilled in many ways. For example, it can be accomplished through guided activities; the design, architecture, landscape, and decor of facilities; educational programs; interpretive menu design and menu offerings; and involvement in the park's overall interpretive program. Gift shop merchandise and displays also present opportunities to educate visitors about park history; natural, cultural, and historical resources; and sustainable environmental management.

Concession contracts will require the concessioner to provide all visitor services in a manner that is consistent with and supportive of the interpretive themes, goals, and objectives articulated in each park's planning documents, mission statement, and/or interpretive prospectus.

*(See Interpretive Competencies and Skills 7.4)*

### 10.2.4.5 Merchandise

The National Park Service will approve the nature, type, and quality of merchandise to be offered by concessioners. Although there is no Service-wide list of specific preferred merchandise, priority will be given to sale items that foster awareness, understanding, and appreciation of the park and its resources and that interprets those resources. Merchandise should have interpretive labeling or include other information to indicate how the merchandise is relevant to the park and its interpretive program and themes.

Each concession operation with a gift shop will have a mission statement based on the park's concession service plan or general management plan. Concessioners will develop and implement a merchandise plan based on the park's gift shop mission statement. The merchandise plan must be satisfactory to the Director, and should ensure that merchandise sold or provided reflects the significance of the park and promotes the conservation of the park's geological resources, wildlife, plant life, archeological resources, local Native American culture, local ethnic and traditional culture, historical significance, and other park resources and values. The plan should also integrate pollution prevention and waste-reduction objectives and strategies for merchandise and packaging.

Merchandise must be available at a range of prices. Theme-related merchandise manufactured or handcrafted in the United States—particularly in a park’s geographic vicinity—will be encouraged. The revenue derived from the sale of United States Indian, Alaska Native, native Samoan, and Native Hawaiian handicrafts is exempt from any franchise fee payments.

#### 10.2.4.6 Artifacts and Specimens

Concessioners will not be permitted to sell any merchandise in violation of laws, regulations, or NPS policies. The park superintendent may prohibit the sale of some items for retail sale because the merchandise is locally sensitive or inappropriate for sale. The sale of original objects, artifacts, or specimens of a historic, archeological, paleontological, or biological nature is prohibited. Replicated historic, archeological, paleontological, or biological objects, artifacts, or specimens may be sold if they are obvious replicas and clearly labeled.

Any geological merchandise approved for sale or exhibit by concessioners must be accompanied by appropriate educational material and a written disclaimer clearly stating that such items were not obtained from inside park boundaries. The proposed sale of any replicas, or of geological merchandise, must be addressed in the gift shop merchandise plan.

#### 10.2.4.7 Rates

The National Park Service must approve all rates charged to visitors by concessioners. The reasonableness of a concessioner’s rates and charges to the public will, unless otherwise provided in the contract, be judged primarily on the basis of comparison with current rates and charges for facilities and services of comparable character under similar conditions. Due consideration will be given to length of season, provision for peak loads, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the NPS Director.

#### 10.2.4.8 Risk Management Program

Concession contracts require each concessioner to develop a risk management program that is (1) appropriate in scope to the size and nature of the operation, (2) in accord with the Occupational Safety and Health Act of 1970 and the NPS concession risk management program, and (3) approved by the superintendent. Concessioners are responsible for managing all of their operations to minimize risk and control loss due to accident, illness, or injury. To ensure compliance, the Service will include a risk management evaluation as part of its standard operational review of concession operations.

#### 10.2.4.9 Natural and Cultural Resource Management Requirements

Concessioners are required to comply with applicable provisions of all laws, regulations, and policies that apply to natural and cultural resource protection. The use, maintenance, repair, rehabilitation, restoration, or other modification of concession facilities that are

listed in or eligible for the National Register of Historic Places are subject to the applicable provisions of all laws, executive orders, regulations, and policies pertaining to cultural properties. The National Park Service will assist concessioners in understanding and complying with regulations for the protection of historic properties (36 CFR Part 800) promulgated by the Advisory Council on Historic Preservation. Historic structures and their contents and museum objects that are in the control of concessioners will be treated in accordance with the appropriate standards contained in NPS guidance documents. The Service will work closely with concessioners to integrate into concession activities the policies, procedures, and practices of Executive Order 13287 (Preserve America).

*(See Chapter 4: Natural Resource Management; Use of Historic Structures 5.3.5.4.7. Also see Reference Manual 24: the Museum Handbook; Director’s Order #28: Cultural Resource Management; #38: Real Property Leasing, and #48A: Concession Management)*

#### 10.2.4.10 Environmental Program Requirements

In the operation of visitor services, concessioners will be required by contract to meet environmental compliance objectives by

- ◆ complying with all applicable laws pertaining to the protection of human health and the environment; and
- ◆ incorporating best management practices in all operations, construction, maintenance, acquisition, provision of visitor services, and other activities under the contract.

Concessioners will also be required by contract to develop, document, implement, and comply fully with—to the satisfaction of the Director—a comprehensive, written environmental management program (EMP) to achieve environmental management objectives. The EMP

- ◆ should be appropriate to the nature and size of the operation;
- ◆ must account for all activities with potential environmental impacts conducted by the concessioner, or to which the concessioner contributes;
- ◆ must be updated at least annually; and
- ◆ must be approved by the superintendent.

The scope and complexity of the EMP may vary based on the type, size, and number of concessioner activities. Exceptions to the requirement for an EMP must be approved by the Director.

The National Park Service will review concessioner compliance with the EMP under the contract. The Park Service will also

- ◆ assist concessioners in understanding environmental program requirements;
- ◆ conduct environmental compliance audits of all commercial visitor services at least every three years

in accordance with the concessions environmental audit program (the concessioner will be responsible for corrective actions required by law and identified during the environmental compliance audits); and

- ◆ include an environmental management evaluation as part of its annual standard operational reviews of concession operations.

*(See Compensation for Injuries to Natural Resources 4.1.6; Integrated Pest Management Program 4.4.5.2; Compensation for Injuries to Cultural Resources 5.3.1.3; Overnight Accommodations and Food Services 9.3.2. Also see Director's Order #48A: Concession Management; Director's Order #83: Public Health)*

#### 10.2.4.11 Insurance

Concession contracts will identify the types and minimum amounts of insurance coverage required of concessioners to

- ◆ provide reasonable assurance that concessioners have the ability to cover bona fide claims for bodily injury, death, or property damage arising from an action or omission of the operator;
- ◆ protect the government against potential liability for claims based on the negligence of the operators; and
- ◆ enable rapid repair or replacement of essential visitor facilities located on park lands that are damaged or destroyed by fire or other hazards.

Concessioners will not be permitted to operate without liability insurance. Under limited conditions, concessioners may operate without property insurance, as described in Director's Order #48A: Concession Management.

#### 10.2.4.12 Food Service Sanitation Inspections

Concessioners who prepare food on or off park lands or serve food on park lands will be subject to inspection for compliance with all applicable health and sanitation requirements of local and state agencies, the U.S. Public Health Service, and the Food and Drug Administration.

*(Also see Director's Order #83: Public Health)*

#### 10.2.4.13 Smoking

Generally, all NPS concession facilities will be smoke free. The only exceptions—which the Service does not encourage—will be specifically designated smoking areas and rooms if allowed by state and local law. The sale of tobacco products through vending machines is prohibited.

*(Also see Director's Order #50D: Smoking Policy; Executive Order 13058 (Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace))*

#### 10.2.4.14 Wireless Local Area Networks

Concessioners may be authorized to provide wireless local area network access for park visitors and for administrative and employee use within concessioner assigned facilities. If this type of service is found to be necessary and appropriate and otherwise in accord with the park's planning and

other guidance documents, the concession authorization's operating plan must identify the need for the service and the standards for offering the service. A request to construct telecommunications equipment and infrastructure outside the concessioner's assigned facilities must be processed in accordance with section 8.6.4.3.

### 10.2.5 Concessions Financial Management

Concession contracts must provide for payment to the government of a franchise fee, or other monetary consideration as determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Such probable value will be based upon a reasonable opportunity for net profit in relation to capital invested and the obligations of the contract. Consideration of revenue to the United States is subordinate to the objectives of protecting and preserving park areas and providing necessary and appropriate services for visitors at reasonable rates.

#### 10.2.5.1 Franchise Fees

The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concession contract must be specified in the concession contract and may only be modified to reflect extraordinary unanticipated changes from the conditions expected as of the effective date of the contract. Contracts with a term of more than five years will include a provision that allows reconsideration of the franchise fee at the request of the Director or the concessioner in the event of such extraordinary unanticipated changes. Such provision will provide for binding arbitration in the event that the Director and the concessioner are unable to agree upon an adjustment to the franchise fee in these circumstances.

#### 10.2.5.2 Franchise Fee Special Account

All franchise fees and other monetary considerations will be deposited into a Department of the Treasury special account. In accordance with the NPS Concessions Management Improvement Act of 1998, twenty percent (20%) will be available to support activities throughout the national park system, and eighty percent (80%) will be available to the park unit in which it was generated for visitor services and funding high-priority and urgently necessary resource management programs and operations.

#### 10.2.5.3 Record-keeping System

All concessioners will establish and maintain a system of accounts and a record-keeping system that use written journals and general ledger accounts to facilitate the preparation of annual concessioner financial reports.

#### 10.2.5.4 Annual Financial Reports

For each concession contract, concessioners will be required to submit a separate annual financial report that reflects only the operations they are authorized to provide under that particular contract.

### 10.2.5.5 Donations to the National Park Service

The National Park Service will not solicit or accept direct donations or gifts from entities that have or are seeking to obtain a concessions contract. The Park Service will not require any concessioner to donate or make contributions to the Service under any circumstance, including the incorporation of such a requirement in concession contracts. Further guidance on donations is available in Director's Order #21: Donations and Fundraising.

### 10.2.6 Concession Facilities

All buildings under a concession contract are U.S. government/Service-owned structures and are part of the overall facility inventory at each park. Depending on the contract, the concessioner may have a contractual right of compensation in the form of a leasehold surrender interest or possessory interest in one, some, or all of the buildings. Responsibilities for maintenance, environmental management, and other operational issues must be included in each concession contract. Park facility managers will work closely with the park's concession program managers to ensure that these government buildings are part of the overall park inventory and tracking systems. Park managers will ensure that possessory interests and leasehold surrender interest valuations conform to the terms and conditions of the concession contract.

#### 10.2.6.1 Design

Concession facilities will be of a size and at a location that the Service determines to be necessary and appropriate for their intended purposes. All concession facilities must comply with applicable federal, state, and local construction codes, and meet accessibility requirements as set forth in applicable accessibility guidelines. Proposed concession facilities must conform to NPS standards for sustainable design, universal design, and architectural design. Concession development or improvement proposals must undergo review for compliance with the National Environmental Policy Act of 1969 and section 106 of the National Historic Preservation Act (16 USC 470f), and proposals must be carried out in a manner consistent with applicable provisions of the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* and other applicable legal requirements.

In addition to general park design requirements, the Park Service will apply value analysis during the design process to analyze the functions of facilities, processes, systems, equipment, services, and supplies. Value analysis must be used to help achieve essential functions at the lowest life-cycle cost, consistent with required performance, reliability, environmental quality, and safety criteria and standards.

(See *Facility Planning and Design 9.1.1*)

#### 10.2.6.2 Accessibility of Commercial Services

Concessioners share the National Park Service's responsibility to provide employees and visitors with the greatest degree of access to programs, facilities, and services that is reasonable, within the terms of existing contracts and agreements. Applicable laws include, but are not limited

to (1) regulations issued under the authority of section 504 of the Rehabilitation Act of 1973, as amended (43 CFR Part 17), which prohibits discrimination on the basis of disability in programs or activities conducted by federal executive agencies; and (2) the Architectural Barriers Act of 1968, which requires physical access to buildings and facilities. Where there is no specific language identifying applicable accessibility laws in an existing concession contract, the Park Service will address the issue of compliance in the annual concession operating plan.

(See *Physical Access for Persons with Disabilities 5.3.2*; *Accessibility for Persons with Disabilities 1.9.3, 8.2.4 and 9.1.2*. Also see *Director's Order #42: Accessibility for Visitors with Disabilities in National Park Service Programs and Services*)

#### 10.2.6.3 Maintenance

Concession contracts will require concessioners to be responsible for all maintenance and repair of facilities, lands, and utility systems assigned for their use, in accordance with standards acceptable to the Service. Exceptions will be made only in extraordinary circumstances, as determined by the Director. All concession contracts must include a current maintenance plan as specified in the concession contract. Maintenance plans are an exhibit to the concession contract and will be considered an integral part of a concessioner's contractual performance compliance.

Maintenance of historic properties and cultural landscapes will be carried out in a manner consistent with applicable provisions of the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*.

#### 10.2.6.4 Utilities and Services

Utilities include, but are not limited to, electricity, fuel, natural gas, water, disposal of wastewater and solid waste, and communication systems. When available, the Service may provide utilities to the concessioner for use in connection with the operations required or authorized under the contract at rates to be determined in accordance with applicable laws. If the Service does not provide utilities to the concessioner, the concessioner will, with the written approval of the Director and under any requirements prescribed by the Director, (1) secure necessary utilities at its own expense from sources outside the area; or (2) install the utilities within the area, subject to conditions of the contract.

(Also see *Director's Order #35B: Sale of National Park Service-produced Utilities*)

#### 10.2.6.5 Closure of Commercial Operations during Government Shutdown

The Anti-Deficiency Act requires federal agencies to suspend all nonessential activities whenever there is a failure to enact an appropriations bill or adopt a continuing resolution. All concessioner-operated programs and services must cease, and visitors must be asked to leave within 48 hours. All commercial facilities and services in a park will be closed to protect the safety of visitors and the

integrity of park resources. Exceptions to this policy include concessions that are required for health and safety purposes or protection of the environment, or that are necessary to support park operations that are deemed essential, such as law enforcement.

Commercial facilities located on through-roads (roads or public highways that begin and end outside of a park, plus parkways) and public highways may remain open if doing so does not result in additional costs to the park (for example, the staffing of entrance stations). These commercial facilities may include operations such as service stations, food services, stores, and lodging, or portions of such operations. The commercial facility in question should have access directly from the road or highway and not require the reopening of park roads having other destinations. More specific aspects of closures may be guided by a Service-wide shutdown plan.

## **10.2.7 Concessioner Employees and Employment Conditions**

### **10.2.7.1 Nondiscrimination**

Concessioners will comply with all applicable laws and regulations relating to nondiscrimination in employment and the provision of services to the public. As the National Park Service strives to achieve workforce diversity, so too will concessioners be encouraged to recognize workforce diversity as a sound business practice.

### **10.2.7.2 Substance Abuse**

In compliance with state and federal regulations condemning substance abuse, the Park Service prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol. The Service also prohibits the unlawful manufacture, cultivation, processing, or transportation of illicit drugs. This policy applies to concessioners and their employees, at any facility or in any activity taking place on NPS lands. Concessioners are required to provide and advise employees about the availability of employee assistance programs addressing substance abuse problems.

## **10.2.8 NPS Employees**

### **10.2.8.1 Accepting Gifts and Reduced Rates from Concessioners**

NPS employees may not receive concessioner goods or services at a discount unless it is in connection with official business, is to the government's advantage, and is provided for under the terms of a concession contract. However, employees may accept reduced rates or discounts offered by the concessioner when those same reduced rates or discounts are available to the general public.

NPS employees may not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a concessioner or other person who conducts operations and activities that are regulated by the Department of the Interior. Employees should consult with their ethics counselor regarding the limited exceptions to the general prohibition on accepting gifts from outside sources.

## **10.2.8.2 Employment of NPS Personnel or Family Members by Concessioners**

Federal law prohibits government employees from making recommendations, decisions, or approvals relating to applications, contracts, controversies, or other matters in which the employee or the employee's spouse or minor child has a financial interest. Park employees may not make decisions, approvals, or recommendations related to concession activities when their spouse or dependent child is employed by a park concessioner in that particular park. For example, the spouse or dependent child of the superintendent, assistant superintendent, concession staff, environmental manager, or public health specialist may not be employed by a concessioner in the specific park in which the NPS employee works.

*(Also see Director's Order #37: Home Businesses in Park Housing)*

## **10.2.8.3 NPS Employee Ownership or Investment in Concession Businesses**

Department of the Interior policy prohibits employees and their spouses and minor children from acquiring or retaining for commercial purposes any permit, lease, or other rights granted by the Department for conducting commercial services on federal lands. Therefore, no NPS concession contract or commercial use authorization to conduct commercial services in a park will be issued to NPS employees or their spouses and minor children who are owners, partners, corporate officers, or general managers of any business seeking such a contract in federal land managed by the Department of the Interior. Further, to avoid the appearance of partiality and conflicts of interest, and to comply with ethics laws that apply to all federal employees, NPS employees may not work on any matter involving a business in which they, their spouse, or their minor children have a financial interest.

## **10.2.8.4 Concession Management Personnel Qualifications**

To effectively carry out the concession management program, managers and supervisors will make every effort to ensure that personnel selected for positions meet the essential competencies established for the position being filled. When concession management personnel lack the full complement of essential competencies or require refresher training for their position, managers and supervisors will ensure that those employees are trained and certified as competent. All personnel vacancy announcements issued for concession management must include program competencies.

## **10.3 Commercial Use Authorizations**

Commercial use authorizations (CUAs), which are not considered as concession contracts, may be issued pursuant to section 418 of the National Park Service Concessions Management Improvement Act of 1998 (16 USC 5966). A commercial use authorization is a permit that authorizes suitable commercial services to park area visitors in limited circumstances as described in 10.3.1. A concession contract



may be issued instead of the commercial use authorization when the Director determines that the services are necessary and appropriate, and/or provision of the services require certain protections such as legal, financial, and resource provisions that are more typical of a concession contract. A more detailed discussion of commercial use authorizations is included in Director's Order #48B: Commercial Use Authorizations.

### 10.3.1 General

Commercial use authorizations may be issued only to authorize services that (1) are determined to be an appropriate use of the park; (2) will have minimal impact on park resources and values; and (3) are consistent with the purpose for which the unit was established, as well as all applicable management plans and park policies and regulations.

### 10.3.2 Requirements

By law, a commercial use authorization must provide for

- ◆ payment of a reasonable fee, such fees to be used, at a minimum, to recover associated management and administrative costs;
- ◆ provision of services in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values; and
- ◆ limitation of liability of the federal government arising from the commercial use authorization.

No park may issue commercial use authorizations in a quantity inconsistent with the preservation and proper management of park resources and values. Each park issuing commercial use authorizations will ensure that it contains provisions for the protection of visitors and the resources and values of the park.

### 10.3.3 Limitations

By law, commercial use authorizations may be issued only for

- ◆ commercial operations with annual gross receipts of not more than \$25,000 resulting from services originating and provided solely within a unit of the national park system pursuant to such authorization;
- ◆ the incidental use of resources of the unit by commercial operations that provide services originating and terminating outside of the boundaries of the park unit; or
- ◆ such uses by organized children's camps, outdoor clubs, nonprofit institutions (including backcountry use), and such other uses as the Secretary of the Interior deems appropriate.

Nonprofit institutions will be required to obtain commercial use authorizations only when they generate taxable income from the authorized use.

### 10.3.4 Construction Prohibition

By law, under no circumstances will a commercial use authorization provide for or allow construction of any structure, fixture, or improvement on federally owned land within any unit of the national park system.

### 10.3.5 Duration

By law, the maximum term for any commercial use authorization is two years in length. No rights of renewal are associated with commercial use authorizations.

### 10.3.6 Other Contracts

Holding or seeking to obtain a commercial use authorization does not preclude a person, corporation, or other entity from submitting proposals for concessions contracts.

# Appendix A

## Laws Cited in Text

### **Abandoned Shipwreck Act of 1987**

43 USC<sup>1</sup> 2101—2106; PL<sup>2</sup> 100-298

### **(popularly known as) Acquired Lands Mineral Leasing Act**

30 USC 301—306; May 21, 1930, ch. 307, 46 Stat. 373

### **Administrative Procedure Act (APA)**

5 USC 551 et seq.<sup>3</sup>, June 11, 1946, ch. 324, 60 Stat. 237

### **Alaska National Interest Lands Conservation Act (ANILCA)**

16 USC 3101—3233; PL 96-487

### **American Indian Religious Freedom Act (AIRFA)**

42 USC 1996—1996a; PL 95-341, 103-344

### **Americans with Disabilities Act of 1990 (ADA)**

42 USC 12101—12213; PL 101-336

### **Animal Welfare Act**

7 USC 2131—2159; PL 89-544; 94-279

### **Anti-Deficiency Act**

31 USC 1341; July 12, 1870, ch. 251, 16 Stat. 251, PL 97-258

### **Antiquities Act of 1906**

16 USC 431—433; June 8, 1906, ch. 3060, 34 Stat. 225

### **Archaeological Resources Protection Act of 1979 (ARPA)**

16 USC 470aa—470mm; PL 96-95

### **Architectural Barriers Act of 1968**

42 USC 4151—4157; PL 90-480

### **Clean Air Act (CAA)**

42 USC 7401—7671q; PL 88-206

### **Coastal Zone Management Act of 1972 (CZMA)**

16 USC 1451—1465; PL 89-454, 92-583

### **Commemorative Works Act**

40 USC 8901—8909; PL 99-652, 107-217

### **Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)**

42 USC 9601—9675; PL 96-510

### **Endangered Species Act of 1973**

16 USC 1531—1544; PL 93-205

### **Energy Policy Act of 1992**

42 USC 13201—13556; PL 102-486

### **Equal Employment Opportunity Act of 1972**

42 USC 2000e-16(a)<sup>4</sup>; PL 92-261

### **Federal Advisory Committee Act (FACA)**

5 USC App. 1—16; PL 92-463

### **Federal Cave Resources Protection Act of 1988 (FCRPA)**

16 USC 4301—4310; PL 100-691

### **Federal Insecticide, Fungicide and Rodenticide Act**

7 USC 136—136y; PL 92-516

### **Federal Lands Recreation Enhancement Act (FLREA)**

16 USC 6801—6814; PL 108-447<sup>5</sup>

### **Federal Managers' Financial Integrity Act of 1982**

31 USC 3512(d); PL 97-255, 97-452<sup>6</sup>

### **Federal Water Pollution Control Act (commonly known as the Clean Water Act)**

33 USC 1251—1387; PL 92-500, 95-217

### **Freedom of Information Act (FOIA)**

5 USC 552; PL 89-554, 90-23

### **General Mining Act of 1872**

30 USC 22 et seq.<sup>7</sup>; May 10, 1872, ch. 152, 17 Stat. 91

### **Geothermal Steam Act of 1970**

30 USC 1001—1028; PL 91-581, 100-443

### **Government Performance and Results Act of 1993 (GPRA)**

31 USC 1115<sup>8</sup> et seq.; PL 103-62

### **Hazardous Materials Transportation Act**

49 USC 5101—5127; PL 93-633, 101-615, 103-311

<sup>1</sup> The United States Code (USC) can be accessed on the Internet, e.g., at <<http://www4.law.cornell.edu/uscode/>>, or <<http://www.gpoaccess.gov/uscode/index.html>>.

<sup>2</sup> The text of any Public Law (PL) enacted by the 101st or a later Congress (1989 onward) can be accessed at the Library of Congress's THOMAS website, <<http://thomas.loc.gov/>>.

<sup>3</sup> Act of June 11, 1946, ch. 324, has been codified to 5 USC §§551—559, 701—706, 1305, 3105, 3344, 4301, 5335, 5372, and 7521.

<sup>4</sup> PL 92-261 was codified to 42 USC §§2000e—2000e-6, 2000e-8, 2000e-9, 2000e-13, 2000e-14, 2000e-16 and 2000e-17, and 5 USC §§5108 and 5314—5316.

<sup>5</sup> The Federal Lands Recreation Enhancement Act is division J, title VIII of PL 108-447, the Consolidated Appropriations Act, 2005.

<sup>6</sup> PL 97-452, the Jan. 12, 1983 revision of title 31, in particular section 1(12), redesignated 16 USC 3512(b) as 16 USC 3512(d).

<sup>7</sup> The General Mining Act of 1872 was the basis of 30 USC §§22-24, 26-30, 33-35, 37, 39-43, and 47.

<sup>8</sup> PL 103-62 was codified to: 5 USC 306; 31 USC 1105(a)(29); 1115—1119, 9703, 9704; and 39 USC 2801—2805.

**(popularly known as) Historic Sites, Buildings and Antiquities Act**

16 USC 461—467; Aug. 21, 1935, ch. 593, 49 Stat. 666

**Land and Water Conservation Fund Act of 1965**

16 USC 4601-4—4601-11; PL 88-578

**Mineral Leasing Act**

30 USC 181—287; Feb. 25, 1920, ch. 85, 41 Stat. 437

**Mining in the Parks Act**

16 USC 1901—1912; PL 94-429

**(popularly known as) Museum Act**

16 USC 18f—18f-3; July 1, 1955, ch. 259, 69 Stat. 242, PL 104-333<sup>9</sup>

**National Cemeteries Act of 1973**

38 USC 2400—2410; PL 93-43

**National Environmental Policy Act of 1969 (NEPA)**

42 USC 4321—4370d; PL 91-190

**National Historic Preservation Act (NHPA)**

16 USC 470—470x-6; PL 89-665, 96-515

**National Parks Air Tour Management Act of 2000**

114 Stat. 61; PL 106-181 (title VIII)

**National Parks Omnibus Management Act of 1998**

16 USC 5901—6011<sup>10</sup>; PL 105-391

**National Park Service Concessions Management Improvement Act of 1998**

16 USC 5951—5966; PL 105-391 (title IV)

**National Park Service Organic Act**

16 USC 1—4; Aug. 25, 1916, ch. 408, 39 Stat. 535<sup>11</sup>

**National Park System General Authorities Act**

16 USC 1a-1 et seq.<sup>12</sup>; PL 91-383, 94-458, 95-250<sup>13</sup>

**(popularly known as) National Park System Resource Protection Act**

16 USC 19jj—19jj-4; PL 101-337, 104-333

**National Trails System Act**

16 USC 1241—1251; PL 90-543, 98-11

**Native American Graves Protection and Repatriation Act (NAGPRA)**

25 USC 3001—3013; PL 101-601

**Occupational Safety and Health Act of 1970**

29 USC 651—678; PL 91-596<sup>14</sup>

**Oil Pollution Act of 1990**

33 USC 2701—2761; PL 101-380

**(popularly known as) Omnibus Consolidated Appropriations Act, 1997**

16 USC 1g et seq.<sup>15</sup>; PL 104-208

**Privacy Act of 1974**

5 USC 552a; PL 93-579

**Rehabilitation Act of 1973**

29 USC 701—797b; PL 93-112, 105-220

**Rivers and Harbors Appropriation Act of 1899**

33 USC 401 et seq.<sup>16</sup>; Mar. 3, 1899, ch. 425, 30 Stat. 1121

**Robert T. Stafford Disaster Relief and Emergency Assistance Act**

42 USC 5121—5204c<sup>17</sup>; PL 93-288, 100-707, 103-337

**Solid Waste Disposal Act**

42 USC 6901—6992k; PL 89-272, 94-580<sup>18</sup>, 98-616<sup>19</sup>

**Surface Mining Control and Reclamation Act of 1977**

30 USC 1201—1328; PL 95-87

**Telecommunications Act of 1996**

47 USC 332 note; PL 104-104<sup>20</sup>

**Toxic Substances Control Act**

15 USC 2601—2692; PL 94-469

**Volunteers in the Parks Act of 1969**

16 USC 18g—18j; PL 91-357

**Wild and Scenic Rivers Act**

16 USC 1271—1287; PL 90-542

**Wilderness Act**

16 USC 1131—1136; PL 88-577

<sup>9</sup> Section 804 of division 1, title VIII of PL 104-333, the Omnibus Parks and Public Lands Management Act of 1996, amended 16 USC 18f, and enacted §§18f-2 and 18f-3

<sup>10</sup> In addition to enacting §§19o and 5901—6011 of title 16, PL 105-391 amended 16 USC 1a-2, 1a-5, 1a-7, and 3, and repealed 16 USC 17b-1, 20, 20a—20g.

<sup>11</sup> See also §10(a) of PL 108-352.

<sup>12</sup> PL 91-383, as originally enacted, added §§1a-1 and 1a-2, and amended §§1b and 1c, of title 16.

<sup>13</sup> PL 95-250, an act expanding Redwood National Park, also amended the National Park System General Authorities Act by adding the second and third sentences to 16 USC 1a-1. See also, §10(b) of PL 108-352.

<sup>14</sup> PL 91-596 enacted 29 USC 651—678 and 42 USC 3142-1, and amended 29 USC 553, 5 USC 5108, 5314, 5315, and 7902, 15 USC 633 and 636, 18 USC 1114, and §1421 of former title 49.

<sup>15</sup> The Omnibus Consolidated Appropriations Act, 1997 enacted §§1g and 1011 of title 16, and amended §§773, 773c, 917, 917a, 971, 971b, 971d, 971e, 972c, 973a, 1362, 1371, 1383a, 1387, 1417, 1432, 1445a, 1827, 2803, 2804, 3125, 3343, 3373, 3377, 3631, 4120, 5102, 5103, 5106, 5107a, 5107b, 5503, 5504 and 5609 of the same title.

<sup>16</sup> The Rivers and Harbors Appropriation Act of 1899 was codified to 33 USC §§401, 403, 404, 406—409, 411—416, 418, 502, 549 note, 686, and 687.

<sup>17</sup> The Federal Civil Defense Act of 1950, 50 USC App. 2251—2303, was repealed, and restated in title VI (42 USC 5195—5197g) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, by PL 103-337.

<sup>18</sup> The Solid Waste Disposal Act was amended and essentially re-written by PL 94-580, the Resource Conservation and Recovery Act of 1976.

<sup>19</sup> PL 98-616, the Hazardous and Solid Waste Amendments of 1984, enacted §§6917, 6936 to 6939a, 6949a, 6979a, 6979b, and 6991 to 6991i of title 42 of the US Code (and provisions set out as notes to §§6905, 6921 and 6926), and amended §§6901, 6902, 6905, 6912, 6915, 6916, 6921 to 6933, 6935, 6941 to 6945, 6948, 6956, 6962, 6972, 6973, 6976, 6982 and 6984 of the same title.

<sup>20</sup> The provision of the Telecommunications Act of 1996 dealing with the granting of rights-of-way, etc., by federal departments and agencies to wireless telecommunications providers is §704(c), title VII, of PL 104-104.

# Appendix B

## Executive Orders and Memoranda Cited in Text

### **Executive Order No. 11644 (Use of Off-road Vehicles on the Public Lands)**

February 8, 1972, 37 FR 2877, as amended by **Ex. Ord. No. 11989**, May 24, 1977, 42 FR 26959; **Ex. Ord. No. 12608**, September 9, 1987, 52 FR 34617 [42 USC 4321]<sup>1</sup>

### **Executive Order No. 11988 (Floodplain Management)**

May 24, 1977, 42 FR 26951, as amended by **Ex. Ord. No. 12148**, July 20, 1979, 44 FR 43239 [42 USC 4321]

### **Executive Order No. 11990 (Protection of Wetlands)**

May 24, 1977, 42 FR 26961, as amended by **Ex. Ord. No. 12608**, September 9, 1987, 52 FR 34617 [42 USC 4321]

### **Executive Order No. 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations)**

February 11, 1994, 59 FR 7629, as amended by **Ex. Ord. No. 12948**, January 30, 1995, 60 FR 6381 [42 USC 4321]

### **Memorandum on Government-to-Government Relations with Native American Tribal Governments**

April 29, 1994, 59 FR 22951 [25 USC 450]

### **Executive Order No. 13006 (Locating Federal Facilities on Historic Properties in Our Nation's Central Cities)**

May 21, 1996, 61 FR 26071 [40 USC 3306]

### **Executive Order No. 13007 (Indian Sacred Sites)**

May 24, 1996, 61 FR 26771 [42 USC 1996]

### **Executive Order No. 13058 (Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace)**

August 9, 1997, 62 FR 43451 [5 USC 7301]

### **Executive Order No. 13101 (Greening the Government Through Waste Prevention, Recycling and Federal Acquisition)**

September 14, 1998, 63 FR 49643 [42 USC 6961]

### **Executive Order No. 13112 (Invasive Species)**

February 3, 1999, 64 FR 6183, as amended by **Ex. Ord. No. 13286**, February 28, 2003, 68 FR 10619 [42 USC 4321]

### **Executive Order No. 13123 (Greening the Government Through Efficient Energy Management)**

June 3, 1999, 64 FR 30851 [42 USC 8251]

### **Executive Order No. 13148 (Greening the Government Through Leadership in Environmental Management)**

April 21, 2000, 65 FR 24595 [42 USC 4321]

### **Executive Order No. 13149 (Greening the Government Through Federal Fleet and Transportation Efficiency)**

April 21, 2000, 65 FR 24607 [42 USC 13212]

### **Executive Order No. 13175 (Consultation and Coordination with Indian Tribal Governments)**

November 6, 2000, 65 FR 67249 [25 USC 450]

### **Executive Order No. 13266 (Activities to Promote Personal Fitness)**

June 20, 2002, 67 FR 42467 [42 USC 300u]

### **Executive Order No. 13287 (Preserve America)**

March 3, 2003, 68 FR 10635 [16 USC 470h-2]

### **Executive Order No. 13327 (Federal Real Property Asset Management)**

February 4, 2004, 69 FR 5897 [40 USC 121]

### **Executive Order No. 13352 (Facilitation of Cooperative Conservation)**

August 26, 2004, 69 FR 52989 [42 USC 4332]

<sup>1</sup> The citation in brackets indicates where the Executive Order or Memorandum may be found in notes to the US Code.

# Appendix C

## Director's Orders

Director's Orders provide guidance for implementing certain aspects of NPS *Management Policies*, and are used as a vehicle for updating Management Policies between publishing dates.

In many cases, Director's Orders are further supplemented by handbooks or reference manuals.

Director's Orders marked with an asterisk (\*) in this list have not been completed as of the publication date of *Management Policies*. Copies of those that have been completed and those that are completed or added in the future may be obtained by contacting the NPS Office of Policy or the appropriate NPS program office, or by accessing the NPS World Wide Web site at <<http://www.nps.gov/policy>>.

Please note that the numbers assigned to some of the Director's Orders on this list may be revised as the Directives system evolves in the future. A status chart at the web site should be consulted for the most current listing of Director's Orders.

1. National Park Service Directives System
2. Park Planning
- 2-1. Resource Stewardship Planning\*
3. Delegations of Authority\*
4. Diving Management
5. Paper and Electronic Communications
6. Interpretation and Education
7. Volunteers in Parks
8. Budget and Programming\*
9. Law Enforcement Program
- 10A. Design and Construction Drawings
- 10B. Drawing and Map Numbers\*
- 11A. Information Technology Management\*
- 11B. Ensuring Quality of Information Disseminated by the NPS
- 11C. Web Publishing\*
12. Conservation Planning, Environmental Impact Analysis, and Decision-making
- 13A. Environmental Management Systems
- 13B. Solid and Hazardous Waste Management\*
14. Resource Damage Assessment and Restoration
15. NPS Wireless Spectrum Management
- 16A. Reasonable Accommodation for Applicants and Employees with Disabilities
- 16B. Diversity in the Workplace\*
- 16C. Discrimination Complaints Process\*
- 16D. Equal Employment Opportunity and Zero Tolerance for Discrimination
- 16E. Sexual Harassment
17. National Park Service Tourism
18. Wildland Fire Management
19. Records Management
20. Agreements
21. Donations and Fundraising
22. Fee Program\*
23. (reserved)
24. NPS Museum Collections Management
25. Land Protection
26. Youth Programs
27. Challenge Cost-share Program\*
28. Cultural Resource Management
- 28A. Archeology
- 28B. Ethnography Program\*
- 28C. Oral History\*
29. (reserved)
30. (reserved)
31. Travel Procedures\*
32. Cooperating Associations
33. (reserved)
34. (reserved)
- 35A. Sale or Lease of Park Services, Resources, or Water in Support of Activities Outside the Boundaries of National Park Areas
- 35B. Sale of National Park Service-Produced Utilities\*
36. Housing Management\*
37. Home Businesses in Park Housing\*
38. Real Property Leasing
39. (reserved)
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# Glossary

Some of the words, terms, and concepts used in these Management Policies will have different meanings for different readers. For the purposes of understanding and applying these policies, their meanings are as shown below.

**Accessibility**—occurs when individuals with disabilities are able to reach, use, understand, or appreciate NPS programs, facilities, and services, or to enjoy the same benefits that are available to persons without disabilities. See also, “universal design.”

**Accession**— a transaction whereby a museum object or specimen is acquired for a museum collection. Accessions include gifts, exchanges, purchases, field collections, loans, and transfers.

**Adaptive management**—a system of management practices based on clearly identified outcomes, monitoring to determine if management actions are meeting outcomes, and, if not, facilitating management changes that will best ensure that outcomes are met or to re-evaluate the outcomes. Adaptive management recognizes that knowledge about natural resource systems is sometimes uncertain and is the preferred method of management in these cases. (*Source: Departmental Manual 516 DM 4.16*)

**Administrative record**— the “paper trail” that documents an agency’s decision making process and the basis for the agency’s decision. It includes all materials directly or indirectly considered by persons involved in the decision making process, including opinions or information considered but rejected. These are the documents that a judge will review to determine whether the process and the resulting agency decision were proper, and that future managers will use to understand the evolution of the issue(s) and how decisions were reached and made.

**American Indian tribe**— any band, nation, or other organized group or community of Indians, including any Alaska Native Village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

**Appropriate use**—a use that is suitable, proper, or fitting for a particular park, or to a particular location within a park.

**Archeological resource**— any material remains or physical evidence of past human life or activities which are of archeological interest, including the record of the effects of human activities on the environment. An archeological resource is capable of revealing scientific or humanistic information through archeological research.

**Asset**—a physical structure or grouping of structures, land features, or other tangible property which has a specific service or function.

**Asset management**—a systematic process of maintaining, upgrading, and operating assets cost-effectively by combining engineering principles with sound business practices and economic theory.

**Backcountry**— primitive, undeveloped portions of parks, some of which may be managed as “wilderness.”

**Best available technology**— technology that will help achieve efficient and economically viable facilities and services, while offering the greatest protection and environmental benefit for park visitors, employees, resources and values.

**Best management practices (BMPs)**— practices that apply the most current means and technologies available to not only comply with mandatory environmental regulations, but also maintain a superior level of environmental performance. See also, “sustainable practices/principles.”

**Carrying capacity**—the maximum population of a particular species that a particular region can support without hindering future generations’ ability to maintain the same population. A visitor, or user, carrying capacity is the type and level of use that can be accommodated while sustaining the desired resource and visitor experience conditions.

**Civic Engagement**— as a philosophy, a discipline, and a practice, it can be viewed as a continuous, dynamic conversation with the public on many levels that reinforces the commitment of the NPS and the public to the preservation of park resources and strengthens understanding of the full meaning and contemporary relevance of these resources. Civic engagement is the philosophy of welcoming people into the parks and building relationships around a shared stewardship mission, whereas public involvement (also called public participation) is the specific, active involvement of the public in NPS planning and other decision-making processes.

**Commemorative work**— any statue, monument, sculpture, plaque, memorial, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate the memory of a person, group, event, or other significant element of history.

**Conserve**—to protect from loss or harm; preserve. Historically, the terms conserve, protect, and preserve have come collectively to embody the fundamental purpose of the NPS—preserving, protecting and conserving the national park system.

**Consultation**— a discussion, conference, or forum in which advice or information is sought or given, or information or ideas are exchanged. Consultation generally takes place on an informal basis; formal consultation requirements for compliance with section 106 of NHPA are published in 36 CFR Part 800. Consultation with recognized tribes is done on a government-to-government basis.

**Cooperating associations**— private, nonprofit corporations established under state law which support the educational, scientific, historical, and interpretive activities of the NPS in a variety of ways, pursuant to formal agreements with the Service.

**Cooperative conservation**—as defined in Executive Order 13352, actions that relate to use, enhancement, and enjoyment of natural resources, protection of the environment, or both, and that involve collaborative activity among federal, state, local, and tribal governments, private for-profit and nonprofit institutions, other nongovernmental entities and individuals. It is one of several “tools” or authorities that park managers may employ as they use the full scope of NPS authorities to protect park resources and values, while encouraging others to use theirs toward the same purpose. As with civic engagement, the Service applies the principles of cooperative conservation to cultural resources as well as natural resources.

**Critical habitat**— specific areas within a geographical area occupied by a threatened or endangered species which contain those physical or biological features essential to the conservation of the species, and which may require special management considerations or protection; and specific areas outside the geographical area occupied by the species at the time of its listing, upon a determination by the Secretary of the Interior that such areas are essential for the conservation of the species. (See 16 USC 1342)

**Cultural landscape**— a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or esthetic values. There are four non-mutually exclusive types of cultural landscapes: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes.

**Cultural resource**— an aspect of a cultural system that is valued by or significantly representative of a culture, or that contains significant information about a culture. A cultural resource may be a tangible entity or a cultural practice. Tangible cultural resources are categorized as districts, sites, buildings, structures, and objects for the National Register of Historic Places, and as archeological resources, cultural landscapes, structures,

museum objects, and ethnographic resources for NPS management purposes.

**Defensible space**— the space needed for firefighters to adequately defend structures from oncoming wildland fires, or to stop a structural fire before it ignites wildland vegetation. Defensible space describes the desired result of planning, siting, landscaping and constructing developed facilities in a way that minimizes their vulnerability to wildfire threats and maximizes their protection against wildfire hazards.

**Derogation**— see “impairment.”

**Decision-maker**—the managerial-level employee who has been delegated authority to make decisions or to otherwise take an action that would affect park resources or values. Most often it refers to the park superintendent or regional director, but may at times include, for example, a resource manager, facility manager, or chief ranger to whom authority has been re-delegated.

**Desired conditions**— a park’s natural and cultural resource conditions that the NPS aspires to achieve and maintain over time, and the conditions necessary for visitors to understand, enjoy, and appreciate those resources. These conditions are identified through a park’s planning process.

**Developed area**— an area managed to provide and maintain facilities (e.g., roads, campgrounds, housing) serving visitors and park management functions. Includes areas where park development or intensive use may have substantially altered the natural environment or the setting for culturally significant resources.

**Directives system**— policy guidance system established by Director’s Order #1 in 1996. The system replaces and updates guidance documents formerly known as NPS Guidelines, Special Directives, and Staff Directives. The system consists of 3 levels:

Level 1— NPS Management Policies— the primary policy document for managing the national park system.

Level 2— Director’s Orders— operational policies and procedures that supplement Level 1.

Level 3— Reference Manuals and other detailed guidance on how to implement Service-wide policies and procedures.

**Ecosystem**— a system formed by the interaction of a community of organisms with their physical and biological environment, considered as a unit.

**Environmental assessment**— a brief NEPA document that is prepared, with public involvement, (a) to help determine whether the impact of a proposed action or its alternatives could be significant; (b) to aid the NPS in compliance with NEPA by evaluating a proposal that will have no significant impacts, but may have measurable adverse impacts; or (c) as an evaluation of a proposal that is either not described on the list of categorically excluded actions, or is on the list, but exceptional circumstances apply.

**Environmental impact statement**— a detailed NEPA analysis document that is prepared, with extensive public involvement, when a proposed action or alternatives have the potential for significant impact on the human environment.

**Environmental leadership**— advocating, on a personal and organizational level, cooperative conservation, best management practices, best available technology, adaptive management, and the principles of sustainability, and making collaborative decisions that demonstrate a commitment to those practices and principles.

**Ethnographic landscape**— an area containing a variety of natural and cultural resources that traditionally associated people define as heritage resources. The area may include plant and animal communities, structures, and geographic features, each with their own special local names.

**Ethnographic resources**— objects and places, including sites, structures, landscapes, and natural resources, with traditional cultural meaning and value to associated peoples. Research and consultation with associated people identifies and explains the places and things they find culturally meaningful. Ethnographic resources eligible for the National Register of Historic Places are called traditional cultural properties.

**Foundation statement**—a statement that begins a park’s planning process and sets the stage for all future planning and decision-making by identifying the park’s mission, purpose, significance, special mandates and the broad, park-wide mission goals. Incorporated into a park’s GMP, but may also be produced as a stand-alone document for a park.

**Gateway community**— a community that exists in close proximity to a unit of the national park system whose residents and elected officials are often affected by the decisions made in the course of managing the park, and whose decisions may effect the resources of the park. Because of this, there are shared interests and concerns regarding decisions. Gateway communities usually offer food, lodging, and other services to park visitors. They also provide opportunities for employee housing, and a convenient location to purchase goods and services essential to park administration.

**Geologic resources**— features produced from the physical history of the earth, or processes such as exfoliation, erosion and sedimentation, glaciation, karst or shoreline processes, seismic, and volcanic activities.

**General management plan (GMP)**— a plan which clearly defines direction for resource preservation and visitor use in a park, and serves as the basic foundation for decision making. GMPs are developed with broad public involvement.

**Historic property**— a district, site, building, structure, or object significant in the history of American archeology, architecture, culture, engineering, or politics at the national, state, or local level.

**Impact**— the likely effect of an action or proposed action upon specific natural, cultural or socioeconomic resources. Impacts may be direct, indirect, individual, cumulative, beneficial, or adverse. (Also see **Unacceptable impacts**.)

**Impairment**— An impact that, in the professional judgment of a responsible NPS manager, would harm the integrity of park resources or values and violate the 1916 NPS Organic Act's mandate that park resources and values remain unimpaired.

**Implementation plan**— a plan that focuses on how to implement an activity or project needed to achieve a long-term goal. An implementation plan may direct a specific project or an ongoing activity.

**Integrated pest management**— a decision-making process that coordinates knowledge of pest biology, the environment, and available technology to prevent unacceptable levels of pest damage, by cost-effective means, while posing the least possible hazard to people, resources, and the environment.

**Leave-no-trace**— principles and practices that emphasize the ethic of leaving a place clear of the residual evidence of human presence; applied to all forms of recreational activities within wilderness, backcountry, and frontcountry areas.

**Life cycle costing (analysis)**— an accounting method that analyzes the total costs of a product or service, including construction, maintenance, manufacturing, marketing, distribution, useful life, salvage, and disposal.

**Lightscape management (natural ambient)**— the effective use of good design to appropriately light areas and minimize or eliminate light clutter, the spill over of light into areas where light is not wanted, and light pollution, all of which wastes energy and impacts park visitors, neighbors and resources.

**Manager**— the managerial-level employee who has authority to make decisions or to otherwise take an action that would affect park resources or values. Most often it refers to the park superintendent or regional director, but may at times include, for example, a resource manager, facility manager, or chief ranger to whom authority has been redelegated.

**Management prescriptions**— a planning term referring to statements about desired resource conditions and visitor experiences, along with appropriate kinds and levels of management, use, and development for each park area.

**Minimum requirement**— a documented process used by the NPS to determine the appropriateness of all actions affecting wilderness.

**Minimum tool**— a use or activity, determined to be necessary to accomplish an essential task, which makes use of the least intrusive tool, equipment, device, force, regulation, or practice that will achieve the wilderness management objective.

**Mission-critical**— something that is essential to the accomplishment of an organization's core responsibilities.

**Mitigation**— a modification of a proposal to lessen the intensity of its impact on a particular resource.

**National park system**— the sum total of the land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational or other purposes.

**Native American**— of or relating to, a tribe, people, or culture that is or was indigenous to the United States.

**Native Hawaiian**— any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

**NEPA process**— the objective analysis of a proposed action to determine the degree of its impact on the natural, physical, and human environment; alternatives and mitigation that reduce that impact; and the full and candid presentation of the analysis to, and involvement of, the interested and affected public—as required of federal agencies by the National Environmental Policy Act of 1969.

**New use**— a use that has not previously taken place within a particular park, or that has taken place previously and been discontinued due to public disinterest or as a result of a management action.

**Organic Act (NPS)**— the 1916 law (and subsequent amendments) that created the National Park Service and assigned it responsibility to manage the national parks.

**Paleontological/paleoecological resources**— resources such as fossilized plants, animals, or their traces, including both organic and mineralized remains in body or trace form. Paleontological resources are studied and managed in their paleoecological context (that is, the geologic data associated with the fossil that provides information about the ancient environment).

**Park**— any one of the hundreds of areas of land and water administered as part of the national park system. The term is used interchangeably in this document with "unit," "park unit," and "park area."

**Practicable**— capable of being done or put into practice. Practicable reflects not only what is possible to do, but also what is reasonable, after considering all of the consequences.

**Prescribed burning**— the deliberate ignition of fires to accomplish specified resource management objectives and under an identified range of conditions documented in a prescribed burn plan.

**Preserve**— to protect from loss or harm; conserve. Historically, the terms preserve, protect and conserve have come collectively to embody the fundamental purpose of the NPS—preserving, protecting and conserving

the national park system. (See also “preservation.”)

**Preservation**— for the purposes of the Secretary of the Interior’s Standards for the Treatment of Historic Properties, preservation means the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property.

**Professional judgment**— a decision or opinion that is shaped by study and analysis and full consideration of all the relevant facts, and that takes into account

- ◆ the decision-maker’s education, training, and experience;
- ◆ advice or insights offered by subject matter experts and others who have relevant knowledge and experience;
- ◆ good science and scholarship; and, whenever appropriate,
- ◆ the results of civic engagement and public involvement activities relating to the decision.

**Public involvement (also called public participation)**— the active involvement of the public in NPS planning and decision-making processes. Public involvement occurs on a continuum that ranges from providing information and building awareness, to partnering in decision-making.

**Record of decision (ROD)**—the document which is prepared to substantiate a decision based on an analysis of a range alternatives (e.g., an EIS). When applicable, it includes a detailed discussion of rationale and reasons for not adopting all mitigation measures analyzed.

**Sacred sites**— certain natural and cultural resources treated by American Indian tribes and Alaska Natives as sacred places having established religious meaning, and as locales of private ceremonial activities.

**Scholarship**— knowledge resulting from study and research in a particular field, or the mastery of a particular area of learning reflected in a scholar’s work. A scholar is a learned person; someone who by long study has gained mastery in one or more disciplines and practices, and whose mastery is recognized by a peer group.

**Soundscape (natural)**— the aggregate of all the natural, nonhuman-caused sounds that occur in parks, together with the physical capacity for transmitting natural sounds.

**Special Regulation**— a regulation that is prescribed for a specific park area. A special regulation may amend, modify, relax or make more stringent the “general” regulations that are applicable to all areas of the national park system.

**Stakeholder**— an individual, group or other entity that has a strong interest in decisions concerning park resources and values. Stakeholders may include, for example, recreational user groups, permittees, and concessioners. In the broadest sense, all Americans are stakeholders in the national parks.

**Stewardship**— the cultural and natural resource protection ethic of employing the most effective concepts, techniques, equipment, and technology to prevent, avoid, or mitigate unacceptable impacts.

**Strategic plan**— a Service-wide, 5-year plan required by GPRA (5 USC 306) in which the NPS states (1) how it plans to accomplish its mission during that time, and (2) the value it expects to produce for the tax dollars expended. Strategic plans serve as “performance agreements” with the American people.

**Superintendent**— the senior on-site NPS official in a park. Used interchangeably with “park superintendent,” “park manager,” or “unit manager.”

**Sustainable design**— design that applies the principles of ecology, economics, and ethics to the business of creating necessary and appropriate places for people to visit, live in, and work. Development that has a sustainable design sits lightly upon the land, demonstrates resource efficiency, and promotes ecological restoration and integrity, thus improving the environment, the economy, and society.

**Sustainable practices/principles**— those choices, decisions, actions and ethics that will best achieve ecological/ biological integrity; protect qualities and functions of air, water, soil, and other aspects of the natural environment; and preserve human cultures. Sustainable practices allow for use and enjoyment by the current generation, while ensuring that future generations will have the same opportunities. See also, “environmental leadership” and “best management practices.”

**Traditional**— pertains to recognizable, but not necessarily identical, cultural patterns transmitted by a group across

at least two generations. Also applies to sites, structures, objects, landscapes, and natural resources associated with those patterns. Popular synonyms include “ancestral” and “customary.”

**Traditionally associated peoples**— social/cultural entities such as tribes, communities, and kinship units, as well as park neighbors, traditional residents, and former residents who remain attached to a park area despite having relocated, are “traditionally associated” with a particular park when (1) the entity regards park resources as essential to its development and continued identity as a culturally distinct people; (2) the association has endured for at least two generations (40 years); and (3) the association began prior to establishment of the park.

**Traditional cultural property**— a property associated with cultural practices, beliefs, the sense of purpose, or existence of a living community that is rooted in that community’s history or is important in maintaining its cultural identity and development as an ethnically distinctive people. Traditional cultural properties are ethnographic resources eligible for listing in the National Register.

**Unacceptable impacts**— impacts that, individually or cumulatively, would

- ◆ be inconsistent with a park’s purposes or values, or
- ◆ impede the attainment of a park’s desired future conditions for natural and cultural resources as identified through the park’s planning process, or
- ◆ create an unsafe or unhealthful environment for visitors or employees, or
- ◆ diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values, or
- ◆ unreasonably interfere with
  - ◇ park programs or activities, or
  - ◇ an appropriate use, or
  - ◇ the atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic, or commemorative locations within the park.
  - ◇ NPS concessioner or contractor operations or services.

**Unit**—see “park.”

**Universal design**— the design of products and environments to be usable by all people to the greatest extent possible, without the need for adaptation or specialized design.

**Value analysis/value engineering**— an organized, multi-disciplined team effort that analyzes the functions of facilities, processes, systems, equipment, services, and supplies for the purpose of achieving essential functions at the lowest life-cycle cost consistent with required performance, reliability, quality, and safety.

**Visitor**— anyone who physically visits a park for recreational, educational or scientific purposes, or who otherwise uses a park's interpretive and educational services, regardless of where such use occurs (e.g., via Internet access, library, etc.).

**Visitor Experience and Resource Protection (VERP) framework**— a visitor carrying capacity planning process applied to determine the desired resource and visitor experience conditions, and used as an aid to decision-making.

**Waiver (of policy)**— an exemption from a particular policy provision. A waiver may be granted only by the Director of the National Park Service or a higher authority (e.g., the Secretary of the Interior).

**Wilderness (designated)**— federal land that has been designated by Congress as a component of the National Wilderness Preservation System.

**Wilderness (eligible, study, proposed and recommended)**— federal lands that have been found to possess wilderness character based on the criteria specified in the Wilderness Act. The four categories reflect different stages of the wilderness review process, and all are managed to preserve the wilderness resources and values that make them eligible for wilderness designation. Differences in the management of these categories are specified in Chapter 6.

**Wilderness (potential)**— federal lands that are surrounded by, or adjacent to, lands proposed for wilderness designation but that do not themselves qualify for designation due to temporary, non-conforming uses or incompatible conditions. Potential wilderness is a subset of the other wilderness categories (it can be eligible, study, proposed, recommended or designated potential wilderness).

**Wildland fires**— unplanned fires that burn vegetation in parks. Wildland fires occur from both natural and human sources of ignition, and may contribute to or hinder the achievement of park management objectives.

**Wildland fire use**— the application of an appropriate, prescribed management response to naturally ignited wildland fires under prescribed circumstances to accomplish resource management objectives in predefined areas outlined in approved fire management plans.

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## The NPS Directives System

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The NPS Directives System consists of internal instructions and guidance documents to ensure that NPS managers and staff have clear information on NPS policy and on required and/or recommended actions. It is composed of three “levels” of documents:

- ◆ **Level 1** consists of the policies that appear in the book entitled *Management Policies*, and which set the broad framework, provide direction, and prescribe parameters for making management decisions.
- ◆ **Level 2** is Director’s Orders, which articulate new or revised policy on an interim basis between publication dates of NPS *Management Policies*. They also provide more detailed interpretation of *Management Policies* and outline requirements applicable to NPS functions, programs and activities, and are a vehicle by which the Director may delegate specific authorities and responsibilities. The main target audience for Director’s Orders is park superintendents, for whom they serve as an “executive summary” of important policies and procedures.
- ◆ **Level 3** materials include handbooks, reference manuals and other documents containing comprehensive information in support of field and programmatic operations. A typical handbook or reference manual will include information about relevant legislation, regulations, Servicewide policies, and other instructions or requirements issued through a Director’s Order, as well as examples, illustrations, recommended practices, forms, etc.

In many cases, Level 3 handbooks and reference manuals will look very similar to the old NPS Guidelines. They may serve as a source of “one-stop shopping” for comprehensive information about a particular program or function. But they will be carefully crafted to clearly distinguish between what is mandatory or required, and what is merely recommended. Those who issue Level 3 documents may not impose any requirements beyond what has already been issued in *Management Policies* or Director’s Orders, unless they have been authorized by the Director to do so.

Keep up to date on new or revised policies by visiting  
the National Park Service policy website at  
***<http://www.nps.gov/policy>***





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